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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Wengrovitz

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07/31/2006

ALCATEL INTERNETWORKING, INC.  
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

SHEW, JOHN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

54

<b>Office Action Summary</b>	<b>Application No.</b> 09/990,852	<b>Applicant(s)</b> WENGROVITZ, MICHAEL	
	<b>Examiner</b> John L. Shew	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,10-13,18,19,21-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-13,18,19,21-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-7, 18-19, 21-24, 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (Patent No. US 6937699 B1) in view of Flockhart et al. (Patent No. US 6741699 B1).

**Claim 1**, Schuster teaches an internet protocol (IP) telephony system supporting an IP telephony session (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the system comprising a calling end-point transmitting a request message for establishing a session with a called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, a display coupled to the calling end-point for displaying information to a calling user (Fig. 3A, col. 17 lines 54-67) referenced by the display 116 of User A for displaying a commercial message, a data store including information associated with the calling user (Fig. 2A, col. 8 lines 46-58) referenced by the User Database 153 of registered users, and a routing device coupled

to the data store and the calling end-point (Fig. 2A, col. 8 lines 19-58) referenced by the Router 238 to perform routing functions between the network telephones 208a 208b and telephony connection server 151, the routing device receiving the request message and composing a response message having a message body (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the message body being personalized based on information retrieved from the data store (Fig. 3A, col. 17 lines 27-53) referenced by the commercial message based on the registration connection information 270 of User A before sending the subscriber merchant's message, the routing device transmitting the response message to the calling end-point for display of the message body to the calling user (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Schuster does not teach wherein the message body informs the calling user of an approximated waiting time prior to connection with the called end-point.

Flockhart teaches the message body informs the calling user of an approximated waiting time prior to connection with the called end-point (Fig. 4, col. 8 lines 36-56) referenced by Estimated Wait Time For Service is <X> Step 216.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of controlling call volume to an internet call center

of Flockhart to the system of advertising of Schuster for the purpose of controlling call contact volume based on information provided for viewing by the contacting entity.

**Claim 2**, Schuster teaches wherein the message body includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

**Claim 4**, Schuster teaches wherein the message body is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

**Claim 5**, Schuster teaches wherein the routing device is a session initiation protocol server located at a call center (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 to the Data Network Telephony Connection Server 150 of the Service Provider Host 160.

**Claim 6**, Schuster teaches wherein the information is user profile information (Fig. 2A, col. 8 lines 32-67, col. 9 lines 1-12) referenced by the registration with user database153 wherein user information is used for a caller to connect anywhere on the data network through which the SIP call is made.

**Claim 7**, Schuster teaches an internet protocol (IP) telephony system supporting a IP telephony session (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the system comprising a calling end-point transmitting a

Art Unit: 2616

request message for establishing a session with a called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, a display coupled to the calling end-point for displaying information to a calling user (Fig. 3A, col. 17 lines 54-67) referenced by the display 116 of User A for displaying a commercial message, a data store including promotional information (Fig. 2A, col. 13 lines 22-32) referenced by the User Database 152 for the Advertisement Service 180, and a routing device coupled to the data store and the calling end-point (Fig. 2A, col. 8 lines 19-45, col. 13 lines 22-41) referenced by the Router 238 to perform routing functions between the network telephones 208a 218a and the Service Provider Host 160, the routing device receiving the request message and composing a response message having a message body (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the message body including promotional information retrieved from the data store (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the routing device transmitting the response message to the calling end-point for display of the message body to the calling user (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Schuster does not teach wherein the message body further informs the calling user of an approximated waiting time for connection with the called end-point.

Flockhart teaches the message body further informs the calling user of an approximated waiting time for connection with the called end-point (Fig. 4, col. 8 lines 36-56) referenced by Estimated Wait Time For Service is <X> Step 216.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of controlling call volume to an internet call center of Flockhart to the system of advertising of Schuster for the purpose of controlling call contact volume based on information provided for viewing by the contacting entity.

**Claim 8**, Schuster teaches wherein the message body further includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

**Claim 10**, Schuster teaches wherein the message body is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

**Claim 11**, Schuster teaches wherein the message body further includes personal data associated with the calling user (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" is displayed at the User A telephony display.

**Claim 12**, Schuster teaches wherein the routing device is a session initiation protocol server located at a call center (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the

SIP INVITE message 410 to the Data Network Telephony Connection Server 150 of the Service Provider Host 160.

**Claim 13**, Schuster teaches wherein the promotional information is customized based on user profile information (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" allowed to be displayed at the User A telephony display.

**Claim 18**, Schuster teaches a method for establishing an internet protocol telephony session between a calling end-point and a called end-point (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the method comprising: transmitting a request message for establishing a session with the called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, retrieving information of a calling user from a data store (Fig. 2A, col. 8 lines 46-58) referenced by the User Database 153 of registered users, composing a message in response to the request message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the composed message being personalized based on the retrieved information (Fig. 3A, col. 17 lines 27-53) referenced by the commercial message based on the registration connection information 270 of User A before sending the subscriber



merchant's message, including the composed message in a body of a response message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, transmitting the response message to the calling end-point and displaying to the calling user the message included in the body of the response message (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Schuster does not teach wherein the message informs the calling user an approximated waiting time for connection with the called end-point.

Flockhart teaches the message informs the calling user an approximated waiting time for connection with the called end-point (Fig. 4, col. 8 lines 36-56) referenced by Estimated Wait Time For Service is <X> Step 216.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of controlling call volume to an internet call center of Flockhart to the system of advertising of Schuster for the purpose of controlling call contact volume based on information provided for viewing by the contacting entity.

**Claim 19**, Schuster teaches wherein the message includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

**Claim 21**, Schuster teaches wherein the message is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced

by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

**Claim 22**, Schuster teaches wherein the information is user profile information (Fig. 2A, col. 8 lines 32-67, col. 9 lines 1-12) referenced by the registration with user database 153 wherein user information is used for a caller to connect anywhere on the data network through which the SIP call is made.

**Claim 23**, Schuster teaches a method for establishing an internet protocol telephony session between a calling end-point and a called end-point (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the method comprising transmitting a request message for establishing a session with the called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, composing a message including promotional information in response to the request message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, including the composed message in a body of a response message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 17 lines 40-53, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message inserted into the body of the response,

transmitting the response message to the calling end-point and displaying to a calling user the message included in the body of the response message (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Schuster does not teach wherein the message further informs the calling user an approximated waiting time for connection with the called end-point.

Flockhart teaches the message further informs the calling user an approximated waiting time for connection with the called end-point (Fig. 4, col. 8 lines 36-56) referenced by Estimated Wait Time For Service is <X> Step 216.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of controlling call volume to an internet call center of Flockhart to the system of advertising of Schuster for the purpose of controlling call contact volume based on information provided for viewing by the contacting entity.

**Claim 24**, Schuster teaches wherein the message further includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

**Claim 26**, Schuster teaches wherein the message is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

**Claim 27**, Schuster teaches wherein the message further includes personal data associated with the calling user (Fig. 3A, col. 16 lines 27-40) referenced by the personal

data of the commercial messaging feature such that "Pizza Palace" is displayed at the User A telephony display.

**Claim 28**, Schuster teaches wherein the promotional information is customized based on user profile information (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" allowed to be displayed at the User A telephony display.


### ***Response to Arguments***

Applicant's arguments with respect to incorporation of objected claims 3, 9, 20, 25 into independent claims 1, 7, 18, 23 respectively has been fully considered. A new prior art search reveals Flockhart discloses the limitation of "a message body informs the calling user of an approximated waiting time prior to connection with the called end-point", in a comparable field of art. Therefore a new grounds of rejection is presented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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